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ELECTRONICALLY FILEDUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKIn re JAKKS PACIFIC INC., SHAREHOLDER
CLASS ACTION LITIGATIONNo. 04 Civ. 8807 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

By letter dated March 28, 2008, defendants in the above-entitled action requested a pre-motion conference in anticipation of filing a motion to dismiss the Second Consolidated Amended Complaint ("Second Complaint"). At the pre-motion conference held before the Court on Friday, April 18, 2008, defendants requested (1) leave to file a sixty-page brief in support of their motion — well in excess of the twenty-five page limit set forth in the undersigned's Individual Practices — and (2) a five-month briefing schedule. Plaintiffs opposed both requests.

Previously, in their submissions regarding their motion to dismiss the First Consolidated Amended Complaint ("First Complaint"), defendants argued, *inter alia*, that (1) plaintiffs had failed to satisfy the pleading standard set forth in Rule 9(b) of the Federal Rules of Civil Procedure in order to sufficiently allege securities fraud claims; and (2) defendants did not have a duty to disclose the alleged bribery scheme. Defendants' opening and reply briefs addressing these issues comprised a total of eighty-two pages; plaintiffs' opposition brief was forty-two pages. In a forty-two page Opinion and Order dated January 25, 2008, the Honorable Kenneth M. Karas, District Judge, found, *inter alia*, that defendants had a duty to disclose the alleged bribery scheme. (Jan. 25 Order at 17-20.) However, Judge Karas dismissed the First Complaint on the ground that plaintiffs had failed to satisfy the pleading requirements of Rule 9(b) and the Private Securities Litigation Reform Act ("PSLRA"). (*Id.* at 22-24.) Nevertheless, Judge Karas deemed the defects in the First Complaint

to be “eminently curable” (*id.* at 24), and therefore granted plaintiffs leave to amend. Neither party sought reconsideration of Judge Karas’ findings. Thereafter, plaintiffs filed the Second Complaint, wherein they excised certain portions of the First Complaint criticized by Judge Karas and, according to defendants, “pasted” a “single paragraph” from the First Complaint “in substantially similar form” in several places throughout the Second Complaint. (Defs.’ March 28 Ltr. at 2.)

Defendants now assert the following grounds for their proposed motion against the Second Complaint: (1) plaintiffs have failed to satisfy the Rule 9(b) pleading standard by merely pasting a single paragraph at various points throughout the Second Complaint; (2) plaintiffs have failed to sufficiently allege the loss causation element of their securities claims; and (3) defendants did not have a duty to disclose the alleged bribery scheme due to the expiration of the statute of limitations for claims relating thereto. Defendants also assert that they will set forth “other reasons” for dismissal in their moving papers. (Defs.’ March 28, 2008 Ltr. at 3.)

IT IS HEREBY ORDERED that, because the issues in defendants’ anticipated motion have already been the subject of extended argument by the parties and, in large part, have been squarely addressed by Judge Karas in the January 25, 2008 Opinion and Order, defendants’ request to file a sixty-page brief and for a five-month briefing schedule is DENIED. However, the Court grants defendants leave to file a thirty-five page brief and sets an extended briefing schedule. The parties’ shall abide by the following briefing schedule for defendants’ proposed motion to dismiss:

Defendants shall submit their motion by June 5, 2008. Defendants’ brief shall not exceed thirty-five (35) pages in length.

Plaintiffs shall submit their opposition by July 21, 2008. Plaintiffs’ brief shall not exceed thirty-five (35) pages in length.

Defendants shall submit their reply by August 11, 2008. Defendants' brief shall not exceed fifteen (15) pages in length.

IT IS FURTHER ORDERED that the parties shall appear for oral argument regarding defendants' motion on October 3, 2008 @ 9:30 AM
in the United States District Court, Courtroom 21C, 500 Pearl Street, New York, New York.

SO ORDERED.

Dated: New York, New York
April 21, 2008



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE